

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIALEONARD JAMES FOX,  
Plaintiff,

v.

T. URIBE, et al.,  
Defendants.

Case No. 18-07221 BLF (PR)

**ORDER GRANTING MOTION FOR  
RECONSIDERATION; REOPENING  
ACTION; VACATING JUDGMENT;  
ADDRESSING PENDING MOTIONS**

(Docket Nos. 42, 45, 46, 47, 48)

Plaintiff, a California inmate, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against medical personnel at Salinas Valley State Prison (“SVSP”). On October 27, 2021, the Court granted Defendants’ motion for summary judgment and dismissed all claims against them; judgment was entered the same day. Dkt. Nos. 38, 39. The matter was submitted on September 18, 2021, the date Plaintiff’s opposition was due. The Court noted in the order that Plaintiff did not file an opposition although given an opportunity to do so. Dkt. No. 38 at 2. On October 29, 2021, Plaintiff filed a “motion/request for a [extension] of time due to excusable neglect” pursuant to Federal Rule of Civil Procedure 6(b)(1)(B), Dkt. No. 40, which the Court construed as a motion for relief from judgment under Rule 60(b)(1). Dkt. No. 41. The Court ordered briefing on the motion. *Id.*

Defendants have filed a statement of non-opposition to Plaintiff's motion. Dkt. No. 43. Accordingly, Plaintiff's motion for reconsideration is **GRANTED**. Dkt. No. 42. The Judgment entered on October 27, 2021, Dkt. No. 39 is **VACATED**. Briefing on Defendants' summary judgment motion, Dkt. No. 33 is reopened.

Plaintiff's opposition to the dispositive motion shall be filed with the Court and served on Defendants no later than **fifty-six (56) days** from the date this order is filed. Defendants *shall* file a reply brief no later than **fourteen (14) days** after Plaintiff's opposition is filed. The motion shall be deemed submitted as of the date the reply brief is due. No hearing will be held on the motion unless the Court so orders at a later date. All other relevant portions of the Court's Order of Service shall remain in effect. Dkt. No. 16.

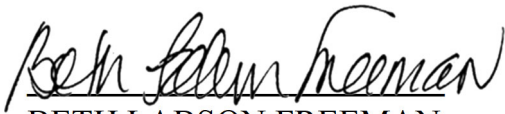
In light of this order, Plaintiff's motions to alter judgment, to grant excusable neglect, for jury trial, and to alter judgment are DENIED as moot. Dkt. Nos. 45, 46, 47, and 48.

This order terminates Docket Nos. 42, 45, 46, 47, and 48.

The Clerk shall reopen the file.

**IT IS SO ORDERED.**

**Dated: \_\_December 6, 2021\_\_**

  
BETH LABSON FREEMAN  
United States District Judge